

THE HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

STORMANS, INCORPORATED, doing  
business as RALPH'S THRIFTWAY;  
RHONDA MESLER, MARGO THELEN,

Plaintiffs,

v.

MARY SELECKY, Secretary of  
Washington State Department of Health; et  
al.,

Defendants;

and

JUDITH BILLINGS, et al.,

Defendant-  
Intervenors.

No. C07-5374-RBL

DECLARATION OF SARA AINSWORTH  
IN SUPPORT OF DEFENDANT-  
INTERVENORS' OPPOSITION TO THE  
PLAINTIFFS AND STATE DEFENDANTS'  
MOTION FOR TRIAL CONTINUANCE

I, SARA AINSWORTH, declare as follows:

1. I am Senior Counsel at Legal Voice, and co-counsel for the Defendant-  
Intervenors in this action.

2. In matters unrelated to this case, I also represent people who were denied  
prescribed medications at pharmacies in late 2009 and in the spring of 2010. One of my clients  
is an individual who was denied prescribed medication by a pharmacy. I also represent a group

DECLARATION OF SARA AINSWORTH IN  
SUPPORT OF OPPOSITION TO MOTION FOR  
TRIAL CONTINUANCE (No. C07-5374-RBL) – 1

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1 of obstetrician-gynecologists whose patient was denied drugs they prescribed for a gynecological  
2 procedure (not an abortion). In both instances, the pharmacies failed to fill the patients'  
3 prescriptions in apparent violation of WAC 246-869-010(1).  
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7 3. My clients intended to file complaints with the Board of Pharmacy based on these  
8 denials. Typically, the Board of Pharmacy will not make public the identifying information of  
9 complainants. My clients do not wish to have their names publicly disclosed nor do they wish to  
10 participate in this litigation.  
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15 4. The Court has indicated, however, its desire to see all relevant complaints prior to  
16 enforcement, and the Plaintiffs have demanded that they have the opportunity to conduct  
17 discovery regarding complaints relevant to this litigation. While my clients did not experience  
18 Plan B refusals, and thus, perhaps, their complaints would not be relevant to this litigation, they  
19 remain fearful that they could become embroiled in this litigation if they file complaints. Given  
20 their concerns, they have not yet filed any complaints with the Board of Pharmacy. If the Court  
21 continues to require that pharmacy refusal complaints be brought to the Court's attention, and to  
22 suggest that discovery may be permitted pending trial, my clients will not file complaints.  
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27 5. Further, if the current enforcement requirements remain in effect, I believe it  
28 would be unethical for me not to advise any potential complainant who seeks to maintain his or  
29 her confidentiality and privacy that they risk the loss of that privacy if they file a complaint about  
30 a pharmacy refusal.  
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35 I declare under penalty of perjury under the laws of the United States of America that the  
36 foregoing is true and correct.  
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41 EXECUTED this 9th day of July, 2010.  
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Sara Ainsworth

**CERTIFICATE OF SERVICE**

I certify that on July 9, 2010, I electronically filed the foregoing **Declaration of Sara Ainsworth in Support of Defendant-Intervenors' Opposition to the Plaintiffs and State Defendants' Motion for a Trial Continuance** with the Clerk of the Court using the CM/ECF system, which will send notification to all counsel of record.

I certify under penalty of perjury that the foregoing is true and correct.

DATED: July 9, 2010

/s/ Andrew L. Greene

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